

In the Drawings

Replace originally filed drawing sheets 1-4 with Figs. 1-4 with the Replacement Sheets 1-4 with new Figs. 1-4 appended hereto. New Fig. 1 changes the legend to read "PRIOR ART", and adds "3a" and the appropriate lead line for the face of the tray table. New Figs. 2-4 add graphical illustrations of the tray table and identify the tray table with "3" and the appropriate lead line. New Fig. 2 also adds "2", "2a" and "1a" and the respective lead lines, and adds a graphical representation of arm 5 that supports tray table 3 on back rest 1. New Figs. 2 and 4 also add "4" and the respective lead line.

## REMARKS

By the present Amendment, claims 9 and 22 are amended. This leaves claims 9-26 pending in the application, with claims 9 and 12 being independent.

### Objection to Specification under 35 U.S.C. §132(a)

The February 19, 2008 Amendment is objected to under 35 U.S.C. §132(a) on the ground that the claim recitation of “main opening being open and exposed when said tray table is in the stored position” is not disclosed in the specification. However, since the quoted language appears solely in the claims, any the objection to this language should only be by a rejection under 35 U.S.C. §112, and not under 35 U.S.C. §132(a).

Regardless of the statutory basis for the objection or rejection, the description of the main opening being open and exposed when the tray table is in the stored position does not constitute “new matter” and is adequately supported in the originally filed specification, particularly by the Figs. 2-4 when considered with the structure illustrated in Fig. 1. As clearly shown in Fig. 1, tray table 3 is retained by locking latch 7 that is configured and operates in a conventional manner. This conventional construction provides a pivotable latch that has a pivot axis located above and adjacent the top edge of the tray table when in its stored position. When the latch is in its horizontal position, the tray table is released from the latch so that it can be pivoted downwardly from its stored position to a use position. When the latch is in its vertical position, the tray table can be retained in its stored position by the latch extending over the top edge of the tray table.

The relationship of the latch 7 and the tray table 3 is the same for the exemplary embodiments of Figs. 2-4 of the present invention, wherein tray table top edge will be below the pivot axis of the latch 7. With the tray table top edge in the tray table stored position below the

latch pivot, the opening at the top edge of plate 23 will be opened and exposed when the tray table is in its stored position necessarily. Such relationship would be readily recognized by one of ordinary skill in the art based on the complete disclosure of the originally filed application.

Thus, the claim phrase quoted in the Office Action is adequately supported in the originally filed application and does not constitute “new matter”. Reconsideration and withdrawal of this objection is requested.

Rejection Under 35 U.S.C. §112, First Paragraph

Claims 9-26 also stand rejected under 35 U.S.C. §112, first paragraph, as failing to adequately comply with the description requirement relative the same phrase discussed above in connection with the objection under 35 U.S.C. §132(a). To provide additional description of this inherent feature, page 6, lines 9-15, are revised to describe this feature in a more detailed manner. This additional description is fully supported in the original application, particularly by the originally filed drawings, as noted above.

Thus, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph, is requested.

Objections to Drawings

Relative to Fig. 1, the Office Action for the first time objects to the legend thereon. By the present Amendment, Fig. 1 is revised to include the legend “prior art”.

The originally filed drawings are objected to under 35 U.S.C. §1.83(a) for allegedly failing to show the main opening being open and exposed when the tray table is in the stored position, the seat part having a forward edge and a rearward edge, a tray table comprising a face,

the back rest supporting face, a wall piece and a tray table coupled to the support structure in Figs. 2-4. By the present Amendment, new drawings of Figs. 1-4 are provided. Particularly, Figs. 2 and 4 clearly show an arrangement of the tray table 3 that leaves the main opening open and exposed when the tray table is in its stored position. Since such illustration is based on the illustration of Fig. 1, adequate support for the additions is provided and do not constitute "new matter". The seat part 2 having a front edge 2a is clearly depicted in Fig. 2, as indicated by the added reference numerals. The recitation of a rear edge of the seat part is deleted from the presently pending claims. The tray table having a face 3a is clearly depicted in Fig. 1. The back rest supporting face 1a is indicated in Fig. 2. The wall piece is provided by the plate 23. The support structure 5 for the tray table is illustrated in Fig. 1 and is graphically illustrated by the addition in Fig. 2. In this manner, the amended drawings are fully supported in the originally filed disclosure, and provide an adequate illustration of every feature of the invention recited in the claims. In this connection, not all features of the invention need be illustrated in Figs. 2-4, but can rely upon the conventional features illustrated in Fig. 1 that shows the basic environment.

#### Rejection Under 35 U.S.C. §102 and §103

New claim 9 covers an aircraft passenger seat comprising a seat part, a backrest extending from the seat part, a tray table 3 and a pocket receptacle 15. The backrest has a support structure 11 and a backrest cushioning 13 on the support structure. The tray table is coupled to the support structure and is foldable between a stored position on a back of the support structure and a use position away from the back of the support structure. The pocket receptacle is on the back of the support structure for holding utensils, printed materials and travel accessories, and is a cavity extending in the support structure at least partially between the tray table in its stored position

and the backrest cushioning. A main opening is provided for the pocket receptacle for introducing objects into the cavity and is open and exposed when the tray table is in its stored position, the tray table remains outside the cavity in its stored position.

By forming the aircraft passenger seat in this manner, a passenger has permanent and constant access to the cavity independent of the position of the tray table. Particularly, access to the contents of the pocket receptacle can be obtained through the main opening even when the tray table is in its up or stored position. The tray table does not interfere with the cavity. None of the other cited patents or applications disclose or render obvious this feature.

Claims 9-12, 14, 17-19 and 21-22 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 4,726,621 to Müller. The Müller patent is cited for an aircraft seat with a backrest 1 and a tray table 4 coupled to the backrest support structure and movable between stored and use positions. As illustrated in the drawing on page 13 of the Office Action, it is apparently contended that the back of the seat, including that portion above the net bag 2, provides a cavity in the support structure between the table in its stored position and the backrest cushioning and having a main opening for introducing objects into the cavity. The features of claims 10-12, 14, 17-19 and 21-22 are also allegedly disclosed in this Müller patent.

Claims 9-12, 14-16 and 22-26 stand rejected under 35 U.S.C. §102(a) of being anticipated by U.S. Patent No. 6,994,401 to Fischer. The Fischer (not Müller also referred to in the Office Action) patent is cited for allegedly disclosing a seat backrest having a tray table 36 movable between stored and use positions with a pocket receptacle, as interpreted in the drawing on page 14 of the Office Action, on the back support and having a main opening which is opened and exposed when the tray table is in a stored position as allegedly shown in Fig. 7. The

treatment of the dependent claims appears to refer to the Müller patent and not to the Fischer patent.

Claim 13 stands rejected under 35 U.S.C. §103 as being unpatentable over the Müller patent in view of U.S. Patent No. 5,507,556 to Dixon. The Dixon patent is cited for the use of a display screen that would be allegedly obvious to add to the Dixon seat.

Claims 15-16 stand rejected under 35 U.S.C. §103 as being unpatentable over the Müller patent in view of the Fischer patent. The Fischer patent is alleged to teach the use of a bottom opening and a lip as allegedly shown in the illustration of Fig. 7 presented on page 14 of the Office Action.

Claim 9 is patentably distinguishable over the Müller patent, particularly by the cavity extending in the support structure at least partially between the tray table in the stored position and the back rest cushioning. In the Müller seat, the only structure providing a pocket receptacle is the net bag 2. However, as clearly illustrated in Figs. 2 and 3 of the Müller patent, the net back 2 is located completely below the tray table in its stored position, as shown in Fig. 2, such that it is not between the tray table in the stored position and the back rest cushioning, as claimed. If any space exists between the Müller tray table and the back rest cushioning, any such space does not provide a receptacle for holding utensils, printed materials and travel accessories, as claimed.

Additionally, the Müller support structure corresponding to the claimed support structure can only be considered to correspond to the back rest 1, and not to the support element 9 of the tray table. The Müller support structure for the table or its legs 9 do not correspond to the claimed support structure. Additionally, since the tray table must fold away from the support structure according to the claim, the legs 9 cannot satisfy that feature. Further, nothing in the

Müller patent discloses that the net bag has a main opening that remains open and exposed from the tray table in its stored position. As illustrated in Fig. 2, the top opening for the Müller net bag 2 appears to be closed in all positions of the tray table and must be forced open to receive objects. Particularly, it does not disclose a pocket receptacle with a main opening that remains open when the tray table is in its stored position that is located between the tray table and the back rest cushioning, as claimed. Rather, the net bag 2 is outside of the knee space between the tray table 4 and the back rest cushioning 1.

The claimed structure allows objects to be placed in the pocket receptacle from its top with the tray table in its stored position. Even if any objects could be stored between the Müller tray table 4 and the back rest cushioning 1, the lip provided in the back rest below the latch 3 would preclude the entry of objects into that space, even if such space was viewed as constituting a receptacle.

Accordingly, the Müller patent does not anticipate or the subject matter of claim 9.

Claim 9 is patentably distinguishable over the Fischer patent by the tray table remaining outside of the cavity in its stored position. As clearly illustrated in Fig. 7, the tray table 36 is stored within the cavity or recess such that the cavity is not fully available for other objects. Accordingly, claim 9 cannot be viewed as being anticipatory of the claim 9 subject matter.

Claims 10-21 being dependent upon claim 9, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents and applications.

Claim 10 is further distinguished by the cavity extending from an area adjacent the support structure top edge to a structure element forming the receptacle bottom and located

within a surface area of the tray table in the stored position. No such structural arrangement is disclosed or rendered obvious by the cited patent documents. The Müller net bag 2 is below the tray table in its stored position such that the cavity formed thereby does not meet the claim limitations. The cavity receiving the tray table in Fischer Fig. 7 is spaced from and does not extend from an area adjacent the support structure top edge.

Claim 11 is further distinguished by the main opening being adjacent the top edge of the support structure and opening in a backward direction away from the backrest cushioning. This further maintains the access to the pocket receptacle in the stored position of the tray table. In the Müller patent, the top of the net bag 2 is not adjacent the top edge of the support structure, and no other structure of the Müller patent provides a main opening for a pocket receptacle. In Fig. 7 of the Fischer patent, the top edge of the support structure is adjacent the lighting assembly 42 that is spaced from and not adjacent the main opening for the receptacle for the tray table.

Claim 12 is further distinguished by the plate forming the rear wall of the receptacle, particularly within the overall claimed combination. Relative to the Müller patent, the net bag 12 does not provide a plate, as claimed. Müller plate 4' is part of the tray, and not a part of the receptacle. Relative to the Fischer patent, no plate 4' is disclosed therein.

Claim 13 is further distinguished by the display screen integrated therein, within the overall claimed combination.

Claim 14 is further distinguished by the latch for the tray table being supported on the plate defining the receptacle. While the Müller patent discloses a latch 3, such latch is on the back surface of the back rest, and not on a plate defining a receptacle, as claimed. No such latch is disclosed in the Fischer patent, as alleged, since part 42 is a lighting assembly.

Claim 15 is further distinguished by the bottom opening extending between the structure element and the plate. Claim 15 is not rejected based on the Müller patent. Relative to the Fischer patent, no comments are provided regarding this feature, and no such opening is provided in the Fischer patent, as shown in Figs. 6 and 7.

Claim 16 is further distinguished by a lip on the support element and projecting into the bottom opening. No such lip appears to be disclosed in the Müller patent or Fischer patent.

Claim 17 is further distinguished by the tray table having its face facing the cavity in the stored position, while the main opening allows removal of items stored in that position. Müller Fig. 2 is referenced as allegedly showing a tray table 4 with a face facing the cavity in the stored position. However, table 4 is spaced from the cavity defined by net bag 2 that is the only structure that forms a pocket receptacle. Relative to the Fischer patent, no tray table 4 is shown in Fig. 2 thereof, as alleged.

Claim 18 is further distinguished by the relative positioning of wall piece 23 relative to the rear wall of the support structure bearing the backrest cushioning, with the tray table having an upper edge below the upper edge of the wall piece in a vertical direction when the tray table is in its stored position. These relative orientations ensure unobstructed access to the receptacle contents through the main opening even when the tray table is in its stored position. Such arrangement is not disclosed or rendered obvious by any of the cited patents. The Müller plate 4' of tray table 4 is cited relative to this claimed feature, but does not constitute a wall piece that forms a cavity of a pocket receptacle, as claimed. The Fischer patent is not applied against claim 18.

Claim 19 is further distinguished by the by the latch being on the rear side of the wall piece. The Müller latch 3 is only on the back rest, not a wall piece of a pocket receptacle, as claimed.

Claim 20 is further distinguished by the latch being mounted below the main opening in a direction parallel to the main direction of the seat back in its upright position. In contrast, the Müller latch 3 is located above the main opening providing access to the contents in net bag 2.

Claim 21 is further distinguished by the upper edge of the wall piece defining the main opening and the latch for the tray table being mounted below that upper edge. Such positioning of the latch ensures that the tray table will not obscure the main opening for access to the pocket receptacle contents when the tray table is in its stored position. The Müller latch is above, not below the opening of net bag 2, and thus, does not disclose this claimed feature.

Claim 22 covers an aircraft passenger seat comprising a seat part having a forward edge and a rear edge, and a backrest extending from the seat part adjacent its rear edge, with the backrest having a front surface facing the seat part and a rear surface remote from and facing opposite from the front surface. A support structure 11 on the rear surface defines a cavity on the rear surface and has laterally spaced side portions. A plate 23 extends between the side portions and is spaced from the backrest rear surface to define a receptacle therebetween. The plate has a top edge defining a main opening for inserting items into and retrieving items from the receptacle, and has a bottom edge spaced from the top edge. A structure element 21 extends between the support structure side portion, is spaced from the top edge, is adjacent the bottom edge, and forms a bottom of the receptacle. A tray table 3 is mounted on the rear surface for movement between a stored position overlying a rear, outer surface and plate and a use position

spaced from the backrest. The tray table has an upper edge in its stored position located below the top edge of the plate maintaining the main opening unobstructed in its stored position.

For the reasons advanced above, such structure is not anticipated or rendered obvious by the cited patent documents. No comparison is provided between the Müller patent and the claim 22 subject matter. Clearly, the Müller tray table is not located in its stored position where it overlies a rear surface of a plate defining a receptacle between the plate and the back rest rear surface, as claimed. As noted above, net bag 2 is spaced below tray table 4 in the tray table stored position in the Müller patent. In the Fischer patent, the stored position of the tray is inside the alleged receptacle, not on a rear outer surface of the plate defining the receptacle, as claimed.

Claims 23-26, being dependent upon claim 22, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patent documents.

Claim 23 is further distinguished by the latch for securing the tray table being mounted on the plate between its top and bottom edges. The Fischer part 42 is a light assembly, not a latch.

Claim 24 is further distinguished by the latch being adjacent the plate top edge. No such latch or relationship is disclosed or rendered obvious by the Fischer patent.

Claim 25 is further distinguished by the tray table being pivotally coupled to the support structure, within the overall claimed combination.

Claim 26 is further distinguished by the plate having a bottom opening adjacent its bottom edge. No such bottom opening is provided in the Fischer recess 38.

In view of the foregoing, claims 9-26 are allowable. Prompt and favorable action is solicited.

Respectfully submitted,



Mark S. Bicks  
Reg. No. 28,770

Roylance, Abrams, Berdo & Goodman, LLP  
1300 19th Street, NW, Suite 600  
Washington, DC 20036  
(202) 659-9076

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